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Attorneys for Plaintiff
 MARIA JOYA

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIA JOYA, individually, and as
 Administrator of the Estate of NASIR SOLIS,

Plaintiff,

vs.

CITY OF HAYWARD, a municipal corporation;
 LLOYD LOWE, in his capacity as Chief of
 Police for the CITY OF HAYWARD; JASON
 CORSOLINI, individually and in his capacity as
 an officer for the CITY OF HAYWARD; and
 DOES 1-25, inclusive,

Defendants.

Case No. C 07-04739 SI

**NOTICE AND ADMINISTRATIVE
 MOTION TO DETERMINE WHETHER
 CASES SHOULD BE RELATED (Civil
 L.R. 3-12)**

No hearing date pursuant to Civil L.R. 7-11

NOTICE

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, this Motion for Administrative Relief is brought by MARIA JOYA, plaintiff in *Joya, v. City of Hayward, et al* pursuant to Civil Local Rules 7-11 and 3-12. No hearing date is scheduled pursuant Civ. L.R. 7-11.

Plaintiff Maria Joya requests that the court find her new civil action to be related to the Saleh Ali v. City of Hayward, et al. matter for the following reasons:

- 1
- 2 a) The above-captioned action concerns substantially the same questions of fact and law
- 3 as Saleh Ali v. City of Hayward, et al. United States District Court, Northern District
- 4 of California, Case No. C 07-04718 CRB.
- 5
- 6 b) It is likely that there will be an unduly burdensome duplication of labor and expense
- 7 and conflicting results if these cases - *Maria Joya v. City of Hayward, et al.* and *Saleh*
- 8 *Ali v. City of Hayward* are conducted before different judges.
- 9

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 Civil Local Rule 3-12 sets forth the following format and factors to be considered for an

12 administrative motion to consider whether cases should be related:

13 **1. TITLE AND CASE NUMBER OF EACH APPARENTLY RELATED CASE:**

- 14 a. Maria Joya, individually, and as Administrator of the Estate of Nasir Solis v. City
- 15 of Hayward, et al. case no. C 07 04739 SI
- 16 b. Saleh Ali, individually and as the administrator of the estate of Naser Ali Solis no.
- 17 C 07-04718 CRB

18 **2. RELATIONSHIP OF THE ACTIONS ACCORDING TO CRITERIA SET**

19 **FORTH IN CIVIL L.R. 3-12:**

- 20 a. Both Actions Concern Substantially the Same Parties, Policies, and Events.

21 Each of these actions arises from the wrongful death of Nasir Solis on the afternoon of August

22 30, 2006. Each of these actions has as its named defendants the City of Hayward a municipal

23 corporation, Lloyd Lowe, in his capacity as Chief of Police for the City of Hayward, and Jason

24 Corsolini, individually and his capacity as a police officer for the City of Hayward.

25

26 Plaintiffs in both cases are seeking remedial relief as follows: DAMAGES: Wrongful death

27 damages pursuant to C.C.P. Sections 377.60 and 377.61 and Probate Code Section 6402(b); C.C.P.

28 Sections 377.30, 377.32, and 377.34; FIRST CAUSE OF ACTION: 42 U.S.C. Section 1983 (Against

Defendants CORSOLINI and DOES 1-10); SECOND CAUSE OF ACTION: 42 U.S.C. section 1983 (Against Defendants CITY, LOWE and DOES 11-25); THIRD CAUSE OF ACTION: 42 U.S.C. Section 1983 Right to Familial Relationship (Against Defendant CORSOLINI and DOES 1-10) FOURTH CAUSE OF ACTION: SURVIVAL ACTION: VIOLATION OF DECEDENT’S CIVIL RIGHTS – 42 U.S.C. § 1983 (Against all defendants); FIFTH CAUSE OF ACTION: Wrongful Death-Intentional C.C.P. Sections 377.60 and 377.61 (Against Defendant CORSOLINI and DOES 1-10); SIXTH CAUSE OF ACTION: Wrongful Death-Negligence C.C.P. Section 377.60 and 377.61 (Against Defendant CORSOLINI and DOES 1-10); SEVENTH CAUSE OF ACTION: Violation of Civil Code Section 51.7 (Against Defendant Officers CORSOLINI and DOES 1-10); EIGHTH CAUSE OF ACTION: Violation of Civil Code Section 52.1 (Against Defendant CORSOLINI and DOES 1-10); NINTH CAUSE OF ACTION: Assault and Battery (Against Defendants CORSOLINI and DOES 1-10); TENTH CAUSE OF ACTION: Intentional Infliction of Emotional Distress (Against all defendant police officers herein); ELEVENTH CAUSE OF ACTION: Negligence (Against Defendant CORSOLINI and DOES 1-10). Thus, unless the instant case is related to the *Saleh Ali* action, there is a substantial likelihood that there would not only be a significant duplication of effort, waste of judicial resources and unnecessary expense, but there would also be the possibility of inconsistent results.

Therefore, plaintiff respectfully submits that the instant case should be related to the *Saleh Ali* action.

DATED: December 10, 2007

LAW OFFICES OF JOHN L. BURRIS

/s/ Benjamin Nisenbaum

BENJAMIN NISENBAUM, Esq.

Attorneys for Plaintiff MARIA JOYA, individually,
and as Administrator of the Estate of NASIR SOLIS